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SUPPLEMENT TO THE  
ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE.  
MARCH, 1893.

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CONSTITUTIONAL AND ORGANIC  
LAWS OF FRANCE,

TRANSLATED WITH

AN HISTORICAL INTRODUCTION

BY

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PHILADELPHIA :

AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE.

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NOTE.

This Constitution, by means of the numbers at the bottom of the pages, is paged continuously with the Constitution of the United States of Mexico, which was the first article in Volume II. of the ANNALS, and was issued in a separate edition as No. 27 of the Publications of the Academy, and the Constitution of the Republic of Colombia, which was sent as a Supplement to the January, 1893 ANNALS, and was also issued as No. 79 of the Publications of the Academy.

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## HISTORICAL SKETCH OF THE FRENCH CONSTITUTION.\*

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### GOVERNMENT OF THE NATIONAL DEFENCE.

The news of the battle of Sedan reached Paris September 3, 1870; the Empress, whom the Emperor had left in charge of affairs of state, summoned the Corps Législatif to meet at midnight. After sitting twenty minutes it adjourned until the following noon. At this second session three propositions were under consideration: one from Jules Favre, divesting Napoleon III. and his house of power, and providing for the appointment of a governing commission by the Corps Législatif; a second, from the Prime Minister, Count Palikao, for the creation of a Council; and a third from Thiers, somewhat similar to Favre's, but with an additional provision for the early election of a constituent assembly. While the deputies were assembled in their bureaux to choose a committee to whom these measures should be submitted, a Parisian mob filled the chamber, demanding the overthrow of the Empire and the proclamation of a Republic. It was impossible to restore order, and many

\* In the preparation of this historical introduction the writer has relied almost exclusively upon the official reports of the parliamentary proceedings. In order to avoid cumbering the pages with foot-notes, dates are introduced very freely into the narrative, so that all facts and statements may be easily verified. One may use either the *Journal Officiel* for the entire period, or, what is rather more agreeable, the *Annales de l'Assemblée Nationale* for the years 1871-1876, the *Journal Officiel* for 1876-1880, and the *Annales de la Chambre des Députés* and the *Annales du Sénat* since 1881. A brief list of general works helpful on the subject might include: Jules Favre, *Gouvernement de la Défense Nationale*, 3 vols.; Jules Simon, *Gouvernement de M. Thiers*, 2 vols.; Théodore Duret, *Histoire de Quatre Ans* (1870-1873), 3 vols.; E. Littré, *Etablissement de la Troisième République*; Bard et Robiquet, *La Constitution Française de 1875*; A. Daniel, *L'Année Politique* (annually since 1874); Robert et Cougny, *Dictionnaire des Parlementaires Français*, 1789-1839, 5 vols.

of the deputies left the hall. The opposition remained in possession of the field, and under the leadership of Gambetta and Favre the crowd marched to the Hôtel de Ville, where the Republic was proclaimed and a provisional government, composed chiefly of deputies of Paris, was formed, Sunday, September 4, 1870. Everything passed off very calmly and smoothly ; not a shot was fired nor a drop of blood shed ; the Paris deputies simply *took* the government into their own hands, and the people acquiesced ; the Republic was likewise proclaimed at Lyons, Bordeaux, Marseilles, Nantes, and other places, but these cities were not jealous of the authority assumed by the capital, since most of the leading Republicans were from Paris.

This new Government of the National Defence had no thought of clinging arbitrarily to the power upon which it had seized. September 8 it issued a decree fixing for October 16 the election of a national constituent assembly of 750 members ; September 16 the election was set for October 2, but the events of war multiplied so fast, and the investment of Paris followed so quickly, that on September 23 the elections had to be indefinitely postponed. The Government was recognized by the United States, Italy, Switzerland, Spain and Portugal ; other countries did not go so far as to recognize it officially, but they kept up relations, nevertheless, with Favre, Minister of Foreign Affairs. Bismarck, however, refused for a considerable time to have anything to do with the Government of the National Defence, the *Messieurs du Pavé*, as he called it ; but eventually he consented to treat with it concerning the preliminaries of peace, stipulating that a national assembly should be elected for the negotiation and ratification of the definitive treaty. Decrees of January 29 and February 1 and



2, issued by the Government, fixed upon February 8 for the election of a national assembly of 768 members ; it was not called a "constituent" assembly, and this fact gave rise to much discussion later on when the question arose whether this body was empowered and authorized to give France a constitution. The voters were not restricted in their choice of representatives ; limitations urgently insisted upon by Gambetta were overruled by the other ministers, in consequence of which Gambetta resigned. It is difficult to state accurately the political complexion of the National Assembly of 1871 to 1876 ; at first there were apparently about thirty Imperialists, with a pretty even division of the balance of the members among Orléanists, Republicans, and Legitimists, in the order named. But in the twenty-five supplementary elections which were held between July 2, 1871, and July 4, 1875, the Republicans made constant gains, though they never reached a majority in the assembly.

#### GOVERNMENT OF THIERS.

February 13, 1871, the National Assembly met at Bordeaux, and into its hands the Government of the National Defence surrendered the powers which it had itself been exercising up to this time. Grévy, a moderate Republican, but a man acceptable to all parties, was chosen President of the Assembly ; he and one of the secretaries were the only Republican members of the bureau of fourteen ; of the other twelve, Orléanists outnumbered Legitimists. Thiers had been elected deputy by twenty-six of the eighty-six departments, a fact indicating that he more than other man was looked to by the country to rescue it from its present trials and dangers. The Assembly ratified the choice of the people by making him, February 17, Chief of the Executive Power of the

French Republic, a title changed on the last day of the following August to President of the French Republic. This law of August 31, 1871, provided that Thiers should continue to enjoy the power conferred upon him by the decree of February 17, this power to be exercised "sous l'autorité de l'Assemblée Nationale, tant qu'elle n'aura pas terminé ses travaux ;" that the President should promulgate and execute the laws ; he should be heard by the National Assembly whenever he wished to speak, and had given notice to the President of the Assembly ; he was to choose and dismiss ministers, and his official acts were to be countersigned by a minister ; finally "the President of the Republic is responsible to the Assembly."

Thiers was an Orléanist, a constitutional monarchist ; in the course of a speech delivered March 27, he said : "We found the Republic already established, a fact of which we are not the authors," but nevertheless he would do nothing to destroy it. As he remarked in a famous speech on March 10: "Why has no one proposed to the Assembly to declare itself constituent? You are sovereign, as sovereign as any government has ever been ; at the same time, the Assembly prefers to attend to what is urgent, and so, instead of establishing, chooses to limit itself to reorganizing ; it simply reserves its power, its sovereignty ; when the choice finally does come, it must be between constitutional monarchy and a Republic; monarchy by divine right and an empire are both out of the question." Such was the opinion of Thiers in the spring of 1871: for the time being he let the Republic continue; as a definitive government his own choice would be in favor of constitutional monarchy. But in course of time the views of Thiers on this subject underwent a change.

During the nearly four weeks that the National Assembly sat at Bordeaux several important results were accomplished by it. Thiers was elected to the head of the government almost unanimously, Napoleon III. and his dynasty were expelled from France with only six dissenting votes, and preliminaries of peace with Germany were agreed to by a vote of 546 to 107, notwithstanding the severe terms imposed by the conqueror. The executive and ministerial departments were located at Paris, and hence it was quite inconvenient that the legislature should be at Bordeaux; radicals wished to return to Paris, but conservatives were unwilling to do this for the present, so the proposal to return to the capital was rejected, 427 to 154; and Versailles chosen instead by a vote of 461 to 104; the Assembly met there for the first time March 20. Meanwhile, the Commune had asserted itself at Paris and a new difficulty was thus added to the many trials confronting the government.

In announcing his cabinet Thiers had said: "Pacifier, reorganiser, relever le crédit, ranimer le travail, voilà la seule politique possible et même concevable en ce moment." The years 1871 to 1873 were peculiarly trying ones, and it was fortunate for France that a man of such tact, wisdom, and devotion as Thiers was at hand. He was much hampered by the divisions existing in the Assembly; he needed the support of at least two of the leading groups in order to carry through his measures. The Imperialists were not recognized in the formation of his ministry, and the Legitimists exercised only a small influence; the Orléanists preponderated, while the Republicans were represented by such leaders as Favre, Picard and Simon. Thiers was not only Chief of the Executive Power, or, according to the later title of the office, President of the Republic, but he was also virtually

Prime Minister ; he took a prominent part in all the debates in the National Assembly, supporting or opposing measures as the case might be, and directing the general policy of the government. In this respect he differed radically from all subsequent Presidents, who have taken no immediate part in parliamentary proceedings ; his fall from power May 24, 1873, was rather the overthrow of a Prime Minister, even though it was strictly, to be sure, that of a President ; the forced resignations of MacMahon and Grévy, on the other hand, were purely presidential crises.

After the National Assembly had, May 18, 1871, ratified the definitive treaty with Germany, by a vote of 433 to 98, it was urged by some that the work of the Assembly was done, that the object for which the delegates had been chosen was accomplished, and that they should now terminate their powers and provide for the election of a new body to be charged with the duty of providing France with a permanent government and a constitution. On the other hand it was argued that the decrees of January and February had in no respect whatever indicated why the Assembly was summoned ; although it was patent that the settlement of terms of peace with Germany was to be one of its chief duties, there was nothing suggesting or requiring that it should stop there ; elected by universal suffrage it represented the will of the nation and the sovereignty of the people ; it was truly a constituent body, even though that word was not contained in the election decrees. And this was the view that prevailed. From the summer of 1871 up to the very eve of the enactment of the constitutional laws in 1875, constant effort was made to secure a dissolution of the existing Assembly and the election of a new one ; the outright Republicans recognized that they

were in a hopeless minority in the Assembly, while at the same time they saw, in the supplementary parliamentary elections and in the local elections, that the country was drifting rapidly and inevitably in their direction; they feared that the men chosen in 1871 would set up monarchical, or at best too conservative, institutions, while a new body, selected in 1873 or 1874, would almost certainly have given to the Left a clear majority and thus insured liberal, popular government.

As already indicated, Thiers at first favored constitutional monarchy, but little by little he, like many other moderate Orléanists, became converted to a belief in a conservative republic; and at length, in a memorable message of November 13, 1872, he said: "The Republic exists, it is the legal government of the country; to wish for anything else would be a new revolution, and the most formidable of all;" and he went on to urge that the Republic, conservatively organized, should be made permanent. November 29, Thiers remarked in the course of a speech: "If, like the sculptor who has the plastic clay in his hands, I had been able to fashion my country, I would have made of it an England and not an America;" but he recognized what was the true desire of France, as seen in the elections and in other ways, and therefore advocated a Republic; as a matter of fact, he added, monarchy was impossible, for there were three contending houses and no two were willing to submit to the third. Herein Thiers touched the keynote of republican hopes; with three rival factions struggling for a throne and no two able to agree upon who should occupy it, the chances for the establishment of a republic grew markedly brighter; with the Right thus hopelessly divided, the Left needed merely to remain united and



persistent in its aims, and trust to further accessions to make its cause triumphant.

Monarchists were not pleased with Thiers's outspoken utterances of November 13; the message was made at once the subject of discussion, and about two weeks later a committee of thirty was appointed to submit a bill on the public powers and ministerial responsibility. This committee reported February 21, 1873, through the Duc de Broglie; de Broglie spoke of the frequent conflicts between the Assembly and the President of the Republic during the preceding two years; the Assembly was sovereign, but Thiers was the eminent and valuable representative of France before the world; to allow him to resign or to permit him to exercise unrestrained authority, these seemed to be the only alternatives, and both were unfortunate; there was need, therefore, of a law to define more exactly the powers of the President and his relations to the Assembly. The theory of ministerial responsibility, said de Broglie, was laid down in principle in the law of August 31, 1871; now in the present Republic the situation was different from that of a constitutional monarchy, like England, or that of a republic, like the United States; in both cases the executive head of the State was entirely outside parliament; but in France it was not so: Thiers retained his seat as deputy, even though at the same time he was President of the Republic, and he would not renounce his right of debate; when he took part in discussion he was the chief and almost only representative of his policy; "the ministers disappeared behind him, and their responsibility, covered by his own, appeared no longer more than nominal;" if one could not ask the President to efface himself entirely from the parliamentary discussions, he ought at least to confine himself

“to rare and important occasions ;” the President should participate only when leading questions were concerned, when the interests of the State or his own honor was at stake, leaving to the ministers to represent the general policy of the government and to care for the ordinary course of affairs. The report closed by recommending a bill which, together with the report, occupied nearly the whole attention of the Assembly from February 27 to March 13, when the measure was passed. The provisions of the bill were to a certain extent a compromise agreeable both to the committee and the government ; Thiers gave his complete adhesion in a speech of March 4.

The law of March 13, 1873, was in substance as follows: First, the National Assembly reserved in their integrity the constituent powers belonging to it. Second, the President should communicate with the Assembly by messages to be read by the ministers ; he might himself be heard from the tribune when he thought it necessary, provided he previously gave notice by message ; the sitting should be suspended after he had finished speaking, and discussion resumed in his absence only. Third, the President might, under certain conditions, demand a reconsideration of measures proposed in the Assembly ; this suspensive veto, however, was not to apply to “urgency” bills nor to constitutional bills. Fourth, on interpellations relating to foreign affairs the President was to be heard, while to those relating to internal affairs the ministers alone were to reply ; if, however, the ministers declared that the question raised involved the general policy of the government and the responsibility of the President, then he should be allowed to speak, under the conditions enumerated above. Finally, the Assembly announced that it

would not dissolve until it had enacted, first, a law regulating the organization and transmission of the legislative and executive powers ; second, a law on a second chamber ; third, an electoral law ; and the committee on public powers was to lay before the Assembly bills on these subjects. It was the final article of the bill, relating to the enactment of constitutional laws, that aroused the greatest opposition ; the Republicans were as desirous as ever that this subject should be entrusted to an assembly elected specially for the purpose ; but the article was agreed to by a vote of 380 to 226, and the bill as a whole by a vote of 407 to 225.

About ten weeks later Thiers was overthrown ; the Right had forced the President to reorganize the Cabinet, but they were dissatisfied with the way in which he had done it ; the question was, therefore, primarily ministerial, but Thiers made it presidential. He defended his policy and acts vigorously, and would probably have won the day had it not been for that article of the law of March 13 which provided that the general discussion should be carried on in his absence from the Assembly. An order of the day moved by the Government was lost by a majority of fourteen, and one opposed by it was carried by a majority of sixteen, on a total vote of more than seven hundred in each case. Thiers immediately resigned ; his friends moved that the resignation be not accepted, but this was lost by a vote of 331 to 362. MacMahon was at once elected to the presidency without opposition, since the Left abstained from voting. May 24, 1873, thus marks the first exercise of presidential unmaking by parliament.



## THE CONSTITUTIONAL LAWS.

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*Beginnings of Constitution-Making.*

In accordance with the provisions of the last article of the law of March 13, 1873, Dufaure, in the name of the Government, laid before the Assembly, on May 19 and 20, bills relating to the legislative and executive powers, a second chamber, and elections. It was proposed, in brief, that there should be a President of the Republic, elected for five years by a Congress composed of the Senate, Chamber of Deputies, and three representatives from each general council; a Senate of 265 members chosen for ten years and renewed one-fifth every two years, elected by direct suffrage and by *scrutin de liste*; and a Chamber of Deputies of 537 members, elected by *scrutin d'arrondissement* for five years. This is an outline of the Government's proposed constitution. But Thiers fell from power a few days later, and the subject came into new hands. Dufaure called the matter up again July 2, and secured the adoption of a motion that a committee should be elected at the winter session, charged with the duty of examining and reporting upon these measures.

First of all, however, the Right wished to place the President's power upon a firmer basis and to give it a more definite term. The Left raised strenuous objections, urging that it was dangerous to provide for so important a part of the government before the complete constitutional scheme was presented for consideration; it savored too much of personal government. The Right yielded somewhat, but in the main was triumphant; the law of November 20, 1873, made

MacMahon President for seven years, and his authority was to be exercised under existing conditions until such conditions should be modified by the constitutional laws. The exact character of this law was several times the subject of discussion in the Assembly, the point in dispute being whether it was an ordinary or a constitutional law, whether it might be amended and repealed like other legislation, or whether MacMahon was secure in his office for seven years irrespective of subsequent constitutional legislation. The sounder opinion seemed to be that the title of the office might be changed, and the conditions of the exercise of power, but not the length of the term of office; this was the evident sense of the law. The question did not become a practical one, since the constitutional laws respected the seven years' term for which MacMahon had been elected.

*Law of February 25, 1875, on the Organization of the Public Powers.*

Late in November and early in December, 1873, the Assembly balloted eight days for the election of a committee on constitutional bills; a majority of the committee was favorable to the Government, but the Republicans succeeded in getting a few of their representative men upon it. Numerous propositions were submitted to the committee, in addition to the one of the preceding May representing the views of the Thiers administration. It is noticeable that nearly, if not quite, all the schemes provided for a President, a Senate, and a Chamber of Deputies, though they differed one from another as to how and for how long each was to be elected, and also as to their respective powers. A bill introduced by Wallon, June 16, 1874, embraced

the chief features of the plan finally adopted. Wallon was not a member of the committee, and furthermore he was opposed to the general views of its majority ; yet he exercised more influence than any other one man upon the legislation of the following February.

The Committee on Constitutional Laws made a report July 15 on the numerous propositions that had been referred to it, and at the same time laid before the Assembly a bill which was the basis of the law of February 25, 1875. In one or two notable respects the bill differed essentially from the law ; it was proposed that the President alone should have the right to dissolve the Chamber of Deputies ; and also that at the expiration of MacMahon's term of office, in November, 1880, the two Chambers should meet together and determine "*sur les résolutions à prendre.*" These two clauses contain, in a nutshell, the essence of the whole policy of the Right, which controlled the Committee. The Monarchists saw that a constitution of some sort must be provided ; it could not much longer be put off ; it must also be, on the surface at least, a Republican constitution, since the Republic existed and had to be recognized ; in framing a constitution, however, they were determined that strict conservatism should prevail, and that this constitution should be so worded that the fewest possible changes, and merely verbal changes at that, should be necessary in order to adapt it to a monarchy. The Right wished, furthermore, to make no permanent, definite provision in regard to the presidency, hoping that by the end of MacMahon's term there might be some turn of fortune re-establishing the throne. De Broglie, who voiced the sentiments of the monarchists, said, July 23, that in a country where parties were so divided as in France a proclamation of

the Republic would give rise to constant discussion and dispute ; and indeed he maintained that France was not at heart Republican, and could not be made such, as was to be seen in the failure of all its Republican constitutions down to that time ; a theoretical declaration of Republican or any other principles would be both useless and harmful. It was urged in reply that France had been a Republic now for more than three years and a half, that "French Republic" was the official designation in legislation, foreign relations, treaties, and so on, and that the Assembly might as well assert openly what was an acknowledged fact ; and it would be neither superfluous nor dangerous to do this. In a total vote of more than seven hundred there was a majority of forty-one opposed to a formal proclamation of the Republic. Nothing further was accomplished until the beginning of the next year.

January 21, 1875, the bill on the organization of the public powers was taken up for its first reading. The reporter of the committee acknowledged that the bill which they had drawn up had met with little favor in the Assembly, and he tried to justify the half-way action proposed. Laboulaye, on the second reading, introduced a fundamental amendment, that "the government of the Republic is composed of two Chambers and of a President." The Right saw in this a too open proclamation of the Republic, and rejected it, January 29, 359 to 336. This was progress for the Left, for it showed that the adverse majority of July 23 had been nearly cut in two. Wallon at once moved an amendment which was incorporated into the law as article two ; it had a double object : to settle now instead of in 1880 the succession to the presidency, and to recognize tacitly the Republic which the Right refused to proclaim openly.

The article was accepted by a vote of 353 to 352. This majority of one was the turning point from which Republican success dated. The Republicans were again victorious on the question of giving the President alone power to dissolve the Chamber of Deputies ; 346 voted in favor of this, to 354 against. The last article of the bill was carried by the narrow majority of five, 332 to 327. The second reading of the other articles furnished no incidents worth noting.

On the third reading, February 24, it was proposed that "no members of families that have reigned in France can be elected President of the Republic ;" but this received only 42 affirmative votes, to 535 against it. Nine years and a half later these figures were well-nigh reversed, when an amendment to this effect was adopted in August, 1884, by a vote of 597 to 153. A few additions were made to the bill, and the law of February 25, 1875, was then agreed to as a whole by a vote of 425 to 254. This act was in some respects the result of compromises, though in the main conservatively inclined ; it was for this reason that it commanded sufficient support from moderate men of the Right Centre to enable the Republicans to secure its enactment.

*Law of February 24, 1875, on the Organization of the Senate.*

May 15, 1874, de Broglie introduced a bill on a second Chamber ; this was referred to the Committee on Constitutional Laws, which reported it back, August 3, with some changes. This measure, which may be said to have represented the views of MacMahon and the Right, provided for a Senate of not more than three hundred members ; about one-half, most of them to be appointed by the President, were to sit for life, while also about



one-half should be elected by the departments for nine years, one-third every three years ; there were to be some members *de droit*, such as cardinals, marshals, admirals, and certain judges ; and finally, five members to be chosen by the Institut. A speaker from the Left characterized Dufaure's proposed second Chamber as one of control, but that of de Broglie as one of resistance, an offset to universal suffrage. February 11 this bill received a mortal blow through the adoption, by a vote of 322 to 310, of an amendment providing that the Senate should be entirely elective. Other amendments along the same line were successively agreed to ; but when it came to voting on the final passage of the bill thus amended in a Republican direction, the Right rallied and defeated the measure, 345 voting for the bill to 368 against. The subject was referred to the committee once more, together with a number of new bills, introduced by members of the Assembly, on the organization of the Senate.

February 22 the second report of the committee was presented. It recommended a bill providing for a Senate of three hundred members, one hundred of whom were to be named for life by the President of the Republic, from a list to be prepared by the Senate and containing three times as many names as there were vacancies. The remaining articles of the bill were essentially the same as those of the law actually passed. Wallon moved an amendment, which became article one of the law ; this was carried by a vote of 422 to 261. The rest of the bill gave rise to almost no debate, and the whole was agreed to, February 24, by a vote of 435 to 234.

*Law of July 16, 1875, on the Relations of the Public Powers.*

May 18, 1875, Dufaure, Minister of Justice, introduced, on behalf of the Government, a bill to regulate the

relations of the Public Powers ; the bill did not contain articles 3 and 9 of the law itself, and there were a few other minor differences; but in the main it was identical with the act of July 16. The Republicans advocated the election of a new Committee on Constitutional Laws, since the old Committee had opposed the laws of February 24 and 25, thus showing that it did not represent the sentiments of the Assembly, which had enacted those laws in spite of the Committee's antagonism to them. A motion to refer Dufaure's bill to the old Committee was lost by a vote of 301 to 320, and a new Committee, favorable to the Left, was chosen a week later. A few changes were made in Dufaure's bill by the Committee, most of which were accepted by the Assembly. Extreme Republicans objected to the great powers given to the President, and claimed that it was not a republic that was being established, but a monarchy minus the king. There was very little discussion either of the bill in general or of the individual articles; the articles were all agreed to without a division, and the bill as a whole passed by a vote of 520 to 84.

This marked the end, for the year 1875, of the strictly constitutional laws ; very important organic laws remained, however, to be enacted. But before that passing on to those, it will be well to note the changes have been made in these constitutional laws since 1875.

*Law of June 21, 1879, Revising Article 9 of the  
Constitutional Law of February 25, 1875.*

Ever since the National Assembly left Bordeaux for Versailles in the spring of 1871, the more radical members of the Republican party had endeavored to effect a return to Paris. But the Commune was of too recent memory to inspire Parliament with much assurance of

peace and quiet in the capital city; a little longer punishment was needed before Paris could receive back all the departments of the government. The President and the ministries were already located there, for reasons of convenience, but the legislature deemed it wise to wait a few years more. It was not until the early part of 1879 that active steps towards leaving Versailles began to be taken. It was thought by some that in spite of the plain provisions of the last article of the constitutional law of February 25, 1875, the Chambers might yet, by simple resolution, change their place of sitting. This was untenable ground, and a Committee of the Chamber of Deputies, chosen to consider the subject, reported March 22, 1879, in favor of the suppression of that article, so that the meeting place might be fixed by ordinary legislation. Conservatives maintained that Paris had been the source and cause of all French revolutions, and that if the Government was located there it would lay itself liable to an overturn at any moment. The Committee replied that the seat of the government had nothing to do with the question; from a study of the revolutions of the past it was plain that the governments would have been overthrown, irrespective of where they had been located. If there were turbulent elements at Paris, that was all the more reason why every department of the national authority should be located there, since it would be much easier to cope with dangers when on the spot than if at a distance. But after all, the revolutionary spirit had lost much of its force at Paris, it was not so powerful as alarmists maintained. Such were the views of the Chamber of Deputies. The suggestion of the Committee for the suppression of Article 9 was agreed to by a majority of more than two to one, and the resolution was then sent to the Senate.



The more conservative upper Chamber was not so easily inclined to leave the calm and security of Versailles. The Senate Committee reported adversely on the proposition March 29. For one hundred years Paris had been the mainspring of revolutionary uprisings, and the more political action there was there, the greater the danger; accordingly Parliament ought not to add fuel to the flame by transferring itself thither. The example of the United States was cited to show the beneficent effects of having Congress meet in a smaller city and not at the centre of political, mercantile and social life. The location of the Government had worked so well for eight years that the greater convenience of being at Paris would be too large a price to pay for the evils that might and would ensue. The past of Paris spoke for itself and was condemned by all; its future no one could answer for; moderate parties could not gain from a change, the only ones to profit would be the Radicals.

This report was considered April 1, and would have been accepted had not the Left succeeded in securing a postponement of its consideration. The subject was brought up again June 14, when it was exhaustively discussed. Friends and opponents had marshaled their forces and their arguments for the final contest. The Government combated the report of the Committee and urged a return to Paris: it seemed inexplicable that the Chambers should not meet at Paris now, for the only time in the century. It was furthermore urged that a Republic, of all forms of government, would have the least to fear from Paris; the capital would never rise against republican institutions and universal suffrage. The Committee adhered to its former position, still insisting that known and unknown dangers would follow from the change. An intermediate position was taken by

Wallon and others, who opposed amending the Constitution, even on a secondary point: keep the Constitution intact and thus refute the reproach of instability charged to republican institutions, they said. The Committee was defeated and the resolution in favor of revision was carried by a majority of twenty.

In pursuance of the joint action of the Chamber of Deputies and Senate the two branches met together in National Assembly, June 19. All told the Assembly was in session only three hours, most of the time being occupied with routine business. The repeal of Article 9 of the law of February 25, 1875, was agreed to by a vote of 526 to 249. A somewhat dramatic incident was a statement from Paul de Cassagnac, uttered amidst the applause of the Right: "I vote for the return to Paris because, in my opinion, this return means the fall, the approaching ruin of the Republic, the thing which I desire."

*Law of August 14, 1884, Partially Revising the Constitutional Laws.*

In the course of the Senate debate of June 14, 1879, already referred to, Laboulaye, reporter of the Committee, said that the safety of the Senate would not be sufficiently guaranteed in case of a return to Paris. In times past the uprisings of the people had been against the Deputies, because the members of the upper House were of little importance, and therefore were left out of account; but it was likely that hereafter it would be the Senate against which popular movements would be directed, since "the Senate is the only barrier which prevents the democracy becoming a demagogy." Laboulaye was largely right; the Senate has been the main object of attack on the part of Republican extremists, and is

likely to continue to be so ; the partial victory which they won in 1884 has only whetted their desire to encroach still further.

After 1879 there were again frequent efforts made to secure constitutional revision, sometimes revision of special articles and clauses, often indefinitely expressed, and occasionally total revision. Under Gambetta's premiership the matter was taken in hand by the Government ; Gambetta's scheme embraced principally a limitation of the budget rights of the Senate, the election of Deputies by *scrutin de liste*, and a modification of the senatorial election law along the lines, to a large extent, actually introduced in 1884. January 23, 1882, the committee to which the subject was referred reported in the main favorably, but to *scrutin de liste* it was almost unanimously opposed. On a question of priority Gambetta was defeated by a majority of fifty, and accordingly resigned ; so that the revision question got no further for the present.

A year from the following March the topic was again brought forward by a committee report on numerous revision propositions that had been submitted. Ferry, the Prime Minister, said that the Senate would not entertain the question at the present time, and he therefore opposed its being urged ; the Chamber of Deputies sustained him, and the subject was once more postponed. In 1884 it could be put off no longer. Ferry, in the name of the Government, proposed, May 24, the revision of a number of specified articles, including all but one of those embraced by the law of the following August, and also Article 8 of the law of February 24, 1875, relating to the powers of the Senate over money bills. The committee report, June 9, was favorable, and added one article not contained in the Government's

proposal. The report and bill were discussed by the Chamber several days late in June and early in July ; the entire scheme was approved by a vote of 403 to 106, on July 3, and then sent to the Senate for concurrence.

The Senate Committee reported July 21, and accepted most of the articles submitted by the lower House ; the main point of difference consisted in a refusal to recommend for revision the article touching the financial authority of the Senate ; there was also objection to interfering with the life senatorships. It was maintained, in regard to the first, that the Senate could not justly be asked to act merely as a registering machine in the case of money bills ; a House of Lords composed of hereditary members, or an upper Chamber largely named by the Sovereign, might with some reason be required to yield in cases of conflict ; but the French Senate sprang from universal suffrage equally with the Chamber of Deputies, even though indirectly, and it could not reasonably be required to efface itself. An extended discussion followed, and at length on July 29 the Senate agreed to a revision of all the articles proposed by the Government, except Article 8 of the law of February 24, 1875. The resolutions went back to the Chamber of Deputies, which concurred, two days later, in this change made by the Senate ; and the two branches were called upon to meet in National Assembly August 4.

A question which had been freely discussed in both Chambers, but especially in the Senate, was this : could the two branches limit in advance the articles to be revised by the National Assembly ? On the one hand it was argued that the National Assembly was sovereign ; once brought into existence, its powers over revision were supreme and unlimited, and no action of the

Chambers could bind the scope of its authority.' On the other side it was urged that the National Assembly was the creation of the Senate and Chamber of Deputies, and came into being only through their agency ; they might, therefore, impose such conditions upon it as they saw fit. Whichever view may be correct, it was clear that the Senate would not consent to revision until it was assured by the Chamber of Deputies that certain specified articles alone should be taken up ; this guarantee they obtained in two ways : first, through the passage by the Chamber of resolutions enumerating the articles to be revised ; and secondly, through the clear and emphatic assurance of the Prime Minister that the Government would allow no other articles to be brought forward. Relying upon this two-fold guarantee, the Senate agreed to the calling of a National Assembly. If, now, the National Assembly had passed beyond these limits and had revised other articles as well, one can hardly deny that such revision would have been constitutional. It was, then, largely a moral and not a legal obligation that rested upon the members to confine themselves to the enumerated subjects.

The National Assembly of August, 1884, continued in session from the fourth to the thirteenth of the month. It would be too long a story to give in detail an account of the proceedings. It may be said, in a word, that the only essential points wherein the law of August 14 differed from the bill introduced by the Government consisted in the addition, first, of the last clause in the second paragraph of Article 1, and, secondly, of the last paragraph of Article 2. These changes were proposed by the committee to which the bill was referred, so that the Assembly itself simply consumed a week in ratifying the action of this committee. The Government



accepted the committee's modifications, and with the two working harmoniously together there was little chance of any counter-project prevailing. Numerous efforts were made, especially by the Extreme Left, to take up still other topics for revision, but the Assembly adhered resolutely to the programme that had been agreed upon. The Extreme Left and the Right, those firm friends in French politics in all works of destruction, were the chief opponents of the provisions of the constitutional bill; their efforts, however, availed nothing. Each article was agreed to by an overwhelming majority, and the bill passed as a whole by a vote of 509 to 172.

Thus far we have had to do with constitutional laws, with those which may be revised or amended by a National Assembly only; it is now necessary to turn to the so-called organic laws, which may be modified by ordinary legislative processes. Some of the laws to follow ought, in strictness, to have been taken up in connection with several that have gone before; it has been deemed best, however, to keep the two kinds of laws distinct, calling attention to cases of interdependence as they arise.

#### THE ORGANIC LAWS.

##### *Law of August 2, 1875, on the Election of Senators.*

The Government, the Legislative Committee and the Assembly were all apparently pretty well agreed in regard to the method of electing Senators, since the official bill introduced by Dufaure May 18, 1875, was only slightly modified by the Committee, and still less amended on its passage. The constitution of 1875 aimed to secure a conservative Senate, not by limiting membership to certain social ranks or classes, but by means

of restricted suffrage and indirect election. With so much unanimity of opinion, there could be almost no discussion of the various provisions of the bill; nearly all the articles were agreed to without a division, and the whole bill was adopted August 2 by a vote of 533 to 72.

The election of the seventy-five life Senators, however, was almost as difficult as the enactment of the law was easy. These were chosen by *scrutin de liste*; and if there had been a homogeneous majority in the Assembly, all might have been elected on the first trial. As it was, balloting began December 9 and continued until December 21. It was impossible for the three monarchical groups of the Right to unite; if they had done so, the Left could not have elected a single one of their candidates. An attempt was made by the Right and Left Centres to agree upon a list acceptable to both; finally the Right Centre spoiled all its chances by refusing to come to any compromise with the Left, and, as a consequence, but very few Orléanist candidates were successful. The Left was pretty thoroughly united; with the aid of the so-called Constitutional Centre—the Wallon-Lavergne group—and a few Legitimists, whose support, to put it plainly, it purchased by voting for and electing them in return, it was able to elect more than two-thirds of the life Senators; most of these were moderate Republicans of the Left Centre, though there were also some of the pure Left and half a dozen or more of the extreme Left. The Left had been willing to agree to an arrangement which should divide up the seventy-five seats proportionally among the groups which had voted the Senate law of February 24; the factions of the Right would not consent, since they hoped to keep the Left out altogether; but they could not themselves

remain united, and they paid the penalty by seeing the Republicans secure nearly sixty of the seats, when they might have been excluded entirely. The Republicans thus started out brilliantly towards obtaining control of the Senate, but the method by which the two hundred and twenty-five Senators were elected was unfavorable to them, so that it was not until January, 1879, that the Left had a majority in the Senate.

*Law of November 30, 1875, on the Election of  
Deputies.*

The first Committee on Constitutional Laws, whose majority was overwhelmingly of the Right, introduced an electoral measure which embraced a number of principles favorable to the reactionary groups; but this bill did not get very far along in the National Assembly; before it reached a second reading the Committee resigned and the second Committee on Constitutional Laws, which had a large Republican majority, reported, July 22, 1875, a bill which served as the basis of the law of November 30, and differed from that law in only a few respects, the most important being a provision, in the bill, for the *scrutin de liste*, the election of one deputy for every 70,000 inhabitants, and a briefer Article 22.

On the second reading, Article 24 occupied the larger part of two days; it was a contest between the champions of *scrutin de liste* and *scrutin d'arrondissement*. The familiar arguments were all rehearsed on both sides, and then the single district system was agreed to by a vote of 357 to 326. On this subject the ballot was secret, but from an examination of other test votes in connection with this measure, the majority was undoubtedly made up of the Right and the two Centres, and the minority of the Left. On the third reading two amendments in



favor of *scrutin de liste* were defeated November 26 and 27 by votes of 388 to 302 and 385 to 303 respectively. The Republicans controlled the Committee and accordingly the bill was in the main acceptable to them; such opposition as they manifested to it was confined to a few of the details, and the only serious defeat they met with was the adoption of the amendment providing for *scrutin d'arrondissement*.

*Law of July 22, 1879, on the Seat of Government.*

After the passage of the constitutional law of June 21, 1879, the enactment of a law for the return of the Chambers to Paris followed as a matter of course. It is significant that Article 5 was the only portion of the bill which aroused really serious discussion in the Committees, and in the Chambers; it was plain, after all, that there was a lurking feeling that protection might some time be needed against a possible Paris uprising, and that this could best be secured by authorizing the presiding officers to call directly upon the armed force at their own discretion.

*Law of December 9, 1884, on the Senate and Senatorial Elections.*

Three days after the adjournment of the National Assembly of 1884, the Government fulfilled its promise to introduce a bill on the organization of the Senate and the election of Senators. There were three fundamental propositions, said the Minister of Justice: first, to continue to elect the seventy-five Senators by a special body, not, however, by the Senate alone, but by the Senate and Chamber of Deputies together, the successors of the National Assembly of 1875 which had chosen the original seventy-five;

second, to do away with life senatorships so fast as the present life senators died or resigned ; and third, to preserve the present electoral system for the election of the two hundred and twenty-five, but to enlarge its base. The general features of the last two parts of the programme were carried out, but not those of the first. Parliament adjourned the same day ; the subject was brought up again in the Senate, where the bill was introduced, by a committee report October 28.

The existing law allowed each municipal council only one senatorial elector ; the Committee and the Government were agreed that this was unjust to the larger cities and gave an unfair advantage to the small communes. The two were also at one on the subject of abolishing life senatorships ; it is to be noted that the Senate itself was willing to consent to this ; the Committee affirmed that in a democratic State which acknowledged the sovereignty of the nation, such an institution as a body of Senators elected for life and responsible to no one could not be justified. It was only, however, by the close vote of five to four that the Committee recommended that the existing life senators should not be disturbed in their term of office. The Committee differed with the Government in advising the choice of the whole three hundred in the same way, instead of continuing to elect the seventy-five in a special manner. When the bill came up for consideration an amendment was moved and carried that one-fourth of the Senators should be chosen by the Senate itself. Radicals, on the other hand, favored a single house, but knowing that this was not obtainable, proposed the election of Senators by universal suffrage, by the same voters as elected the Deputies, in order that the two branches might be composed as nearly as possible

of the same elements, and thus, by avoiding conflicts, approach the characteristics of a single Chamber. Such a proposition met with little favor in so conservative a body as the Senate ; it commanded the support of only one-seventh of the total membership of the Senate. The remaining articles were accepted with little discussion or opposition, and the bill was adopted as a whole November 10, without a division.

In the Chamber of Deputies the Committee report of November 25 disapproved of the first article of the Senate bill, and agreed unanimously with the original recommendation of the Senate Committee, that all members of the Senate, except the life senators, so long as there were such, should be elected by the departments and colonies. The other changes suggested were of minor importance. On the first of December an amendment was under consideration which provided for the immediate abolition of life senatorships ; the Committee was opposed to the principle of life senatorships, but believed that the present holders of such positions should be respected in their rights and should not be deprived of the places to which they had been elected by the framers of the Constitution. The Chamber of Deputies sustained the Committee by a vote of 263 to 234. Even if the Chamber had agreed to the amendment, it is safe enough to assert that the Senate would have rejected it. The next day, December 2, Floquet moved an amendment to the effect that the Senators should be elected "by *scrutin de liste*, by direct and universal suffrage." The Government opposed this, asserting that, if it were adopted, then all justification of a second Chamber was wanting, there might as well be only one ; so long as there were to be two, let their members be chosen by different methods. Floquet's

motion prevailed, however, by a vote of 267 to 250, the majority being made up of the Right and the extreme and radical members of the Left. The Government and the Committee were both unfavorable to Floquet's amendment; some further changes which he proposed were allowed without opposition, since the friends of the original bill preferred to get the measure as soon as possible once more before the Senate, where they knew Floquet's modifications would be rejected.

The bill, thus radically changed, came back to the Senate December 4. The Senate Committee reshaped the measure, giving the bill the form found in the law as adopted. The Senate receded from its earlier proposal that it should itself elect one-fourth of its members; otherwise it yielded nothing to the Chamber of Deputies. On the second appearance of the bill in the lower branch, Floquet again moved the election of Senators by direct and universal suffrage; this time the Government had its forces in better command, and Floquet's amendment was defeated by a vote of 280 to 227, and the whole bill was passed, unmodified, by a vote of 318 to 132. Attempts to abolish the Senate had proved unavailing; the anomaly of life Senators in a republic was done away with in a manner agreeable to the Senate itself; there was also a general willingness to enlarge the basis of the senatorial electoral law; but the efforts to make the Senate a second Chamber of Deputies through election by universal suffrage was squarely defeated. The gains of the Radicals were small in their own estimation, though doubtless large enough in the judgment of moderate men.

*Law of June 16, 1885, Amending the Electoral Law.*

France would not be France if it was not constantly meddling with its fundamental laws. No sooner was the

Senate reprovided for than attention was again turned to the Chamber of Deputies. It was the old question of *scrutin de liste* and *scrutin d'arrondissement*. Twice before had the subject been taken up officially, so to speak; first, by the National Assembly in 1875, and second, by Gambetta when Prime Minister in 1882; on both occasions the general ticket plan had been disapproved. At other times individual members of Parliament had sought to introduce the system, but without making much progress towards success. And now for the third time, in 1885, the question was made a test one. Already early in 1884 the subject was brought up, and a favorable committee report made, in the Chamber of Deputies, but no definite action was taken until the spring of 1885. The Republican party as a party had always favored *scrutin de liste*; the logic of universal suffrage would demand, they said, that each voter should have a voice in the election of every deputy, in other words, that all France should form a single electoral district; but as this was impracticable, the readiest solution was to fix upon the departments as districts. The discussion of the measure began March 19; no arguments were advanced which would be new to those familiar with the usual reasons adduced for and against the two methods. It is worth remarking that the Chamber of Deputies was so overwhelmingly in favor of Article 1 of the bill that no one thought it worth while to call for a yea and nay vote on it. The second article, dealing with the basis of representation, was the object of some opposition, but no change was effected in it. The bill was agreed to as a whole, with only 91 dissenting votes, March 24.

In the Senate nothing was done with the bill until after the spring recess. The Senate Committee reported May 16, and unanimously favored *scrutin de liste*, but



upon some of the details of the measure changes were recommended; the Government, on the other hand, urged that an electoral law concerning the Chamber of Deputies alone, which had passed that Chamber by the emphatic vote of 402 to 91, ought not to be modified by the Senate. The Senate did not agree with this line of reasoning and introduced a part of the modifications proposed by the Committee, and rejected a part. The Senate refused, therefore, to resign its own rights and mechanically to record the will of the other House. The Chamber of Deputies accepted the Senate changes without serious objection.

*Law of February 13, 1889, restoring the single district Electoral System.*

*Scrutin de liste* favors a united party; but in the elections of 1885 the Republicans do not seem to have recognized that there was any greater need of combined action of all elements than on previous occasions. Their opponents, however, appreciated the situation. The result was that, whereas the Right had polled 1,789,767 votes and elected 90 deputies in 1881, in 1885 they cast 3,541,384 ballots and returned 201 representatives. The Left might easily have rallied from this, for they still had a majority of 180, though their forces were unfortunately divided into factions. But the triumphal march of Boulangism, which was unduly aggravated by *scrutin de liste*, brought a sudden change of front, and the general ticket system was abolished, without ceremony, though not so unanimously as it had been established. The bill for its repeal was introduced by the Prime Minister Floquet, who had persuaded the Chamber of Deputies in 1884 to apply *scrutin de liste* to senatorial elections; he had to face the taunts of the Right that the Republican

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party was casting aside one of its most fundamental tenets, and was advocating *scrutin d'arrondissement*, not on its merits, but in order to provide themselves with a weapon against a single man. Monarchists and Radicals made the vote close in the Chamber of Deputies, where the bill passed, 268 to 222, but in the Senate it was accepted by a vote of 228 to 54.

*Law of July 17, 1889, on Multiple Candidatures.*

The law of February 13, was not enough; Boulangerism would still flourish so long as le brav' Général was allowed to offer himself as a candidate for every seat that became vacant. The law of July 17 was accordingly enacted. The Right fought nobly for their ally, but they could not save him; a sufficient majority of the Republicans united for action to pass the bill, and it was agreed to in both branches by majorities not differing materially from those of five months before.

Proposals are still frequently being made for the revision of the constitutional laws and the amendment of the organic laws. Changes, radical changes, may, of course, be made at almost any time; and yet there are reasons for believing that the present Constitution of France represents more nearly the will of the nation than has any of its numerous predecessors of the last hundred years.

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## CONSTITUTIONAL LAWS OF FRANCE.

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### LAW ON THE ORGANIZATION OF THE PUBLIC POWERS.

February 25, 1875.

ARTICLE 1. The legislative power is exercised by two assemblies : the Chamber of Deputies and the Senate.

The Chamber of Deputies is elected by universal suffrage, under the conditions determined by the electoral law.<sup>1</sup>

The composition, the method of election, and the powers of the Senate shall be regulated by a special law.<sup>2</sup>

ART. 2. The President of the Republic is chosen by an absolute majority of votes of the Senate and Chamber of Deputies united in National Assembly.

He is elected for seven years. He is re-eligible.

ART. 3. The President of the Republic has the initiative of the laws, concurrently with the members of the two Chambers. He promulgates the laws when they have been voted by the two Chambers ; he looks after and secures their execution. .

He has the right of pardon ; amnesty can be granted by law only.

He disposes of the armed force.

He appoints to all civil and military positions.

He presides over national festivals ; envoys and ambassadors of foreign powers are accredited to him.

Every act of the President of the Republic must be countersigned by a Minister.

ART. 4. As vacancies occur on and after the promulgation of the present law, the President of the Republic

<sup>1</sup> See law of November 30, 1875, *infra*.

<sup>2</sup> See laws of February 24, and August 2, 1875, *infra*.

appoints, in the Council of Ministers, the Councilors of State in ordinary service.

The Councilors of State thus chosen may be dismissed only by decree rendered in the Council of Ministers.

The Councilors of State chosen by virtue of the law of May 24, 1872, cannot, before the expiration of their powers, be dismissed except in the manner determined by that law. After the dissolution of the National Assembly, revocation may be pronounced only by resolution of the Senate.

ART. 5. The President of the Republic may, with the advice of the Senate, dissolve the Chamber of Deputies before the legal expiration of its term.

[In that case the electoral colleges are summoned for new elections within the space of three months.]<sup>1</sup>

ART. 6. The Ministers are jointly and severally (*solidairement*) responsible to the Chambers for the general policy of the government, and individually for their personal acts.

The President of the Republic is responsible in case of high treason only.<sup>2</sup>

ART. 7. In case of vacancy by death or for any other reason, the two Chambers assembled together proceed at once to the election of a new President.

In the meantime the Council of Ministers is invested with the executive power.<sup>3</sup>

ART. 8. The Chambers shall have the right by separate resolutions, taken in each by an absolute majority of votes, either upon their own initiative or upon the request of the President of the Republic, to declare a revision of the Constitutional Laws necessary.

<sup>1</sup> Amended by constitutional law of August 14, 1884, *infra*.

<sup>2</sup> See Art. 12, law of July 16, 1875, *infra*.

<sup>3</sup> See Arts. 3 and 11, law of July 16, 1875, *infra*.

After each of the two Chambers shall have come to this decision, they shall meet together in National Assembly to proceed with the revision.

The acts effecting revision of the constitutional laws, in whole or in part, must be by an absolute majority of the members composing the National Assembly.

[During the continuance, however, of the powers conferred by the law of November 20, 1873, upon Marshal de MacMahon, this revision can take place only upon the initiative of the President of the Republic.]<sup>1</sup>

[ART. 9. The seat of the Executive Power and of the two Chambers is at Versailles.]<sup>2</sup>

#### LAW ON THE ORGANIZATION OF THE SENATE.

February 24, 1875.

[ARTICLE I.<sup>3</sup> The Senate consists of three hundred members:

Two hundred and twenty-five elected by the departments and colonies, and seventy-five elected by the National Assembly.]

[ART. 2. The departments of the Seine and of the Nord elect each five senators.

The following departments elect four senators each : Seine-Inférieure, Pas-de-Calais, Gironde, Rhône, Finistère, Côtes-du-Nord.

The following departments elect three senators each : Loire-Inférieure, Saône-et-Loire, Ille-et-Vilaine, Seine-et-Oise, Isère, Puy-de-Dôme, Somme, Bouches-du-Rhône, Aisne, Loire, Manche, Maine-et-Loire, Morbihan, Dordogne, Haute-Garonne, Charente-Inférieure, Calvados,

<sup>1</sup> Amended by constitutional law of August 14, 1884, *infra*.

<sup>2</sup> Repealed by constitutional law of June 21, 1879, *infra*.

<sup>3</sup> By the constitutional law of August 14, 1884, it was provided that Articles 1 to 7 of this law should no longer have a constitutional character; and they were repealed by the law of December 9, 1884, *infra*.

Sarthe, Hérault, Basses-Pyrénées, Gard, Aveyron, Vendée, Orne, Oise, Vosges, Allier.

All the other departments elect two senators each.

The following elect one senator each : the Territory of Belfort, the three departments of Algeria, the four colonies : Martinique, Guadeloupe, Réunion and the French Indies.]

[ART. 3. No one can be senator unless he is a French citizen, forty years of age at least, and enjoying civil and political rights.]

[ART. 4. The senators of the departments and colonies are elected by an absolute majority and by *scrutin de liste*, by a college meeting at the capital of the department or colony and composed :

- (1) of the deputies ;
- (2) of the general councilors ;
- (3) of the arrondissement councilors ;
- (4) of delegates elected, one by each municipal council, from among the voters of the commune.

In the French Indies the members of the colonial council or of the local councils are substituted for the general councilors, arrondissement councilors and delegates from the municipal councils.

They vote at the capital of each district.]

[ART. 5. The senators chosen by the Assembly are elected by *scrutin de liste* and by an absolute majority of votes.]

[ART. 6. The senators of the departments and colonies are elected for nine years and renewable by thirds every three years.

At the beginning of the first session the departments shall be divided into three series containing an equal number of senators each. It shall be determined by lot which series shall be renewed at the expiration of the first and second triennial periods.]

[ART. 7. The senators elected by the Assembly are irremovable.

Vacancies by death, by resignation, or for any other reason, shall, within the space of two months, be filled by the Senate itself.]

ART. 8. The Senate has, concurrently with the Chamber of Deputies, the initiative and passing of laws. Money bills, however, must first be introduced in, and passed by the Chamber of Deputies.

ART. 9. The Senate may be constituted a Court of Justice to judge either the President of the Republic or the Ministers, and to take cognizance of attacks made upon the safety of the State.

ART. 10. Elections to the Senate shall take place one month before the time fixed by the National Assembly for its own dissolution. The Senate shall organize and enter upon its duties the same day that the National Assembly is dissolved.

ART. 11. The present law shall be promulgated only after the passage of the law on the public powers.<sup>1</sup>

#### LAW ON THE RELATIONS OF THE PUBLIC POWERS.

July 16, 1875.

ARTICLE I. The Senate and the Chamber of Deputies shall assemble each year the second Tuesday of January, unless convened earlier by the President of the Republic.

The two Chambers continue in session at least five months each year. The sessions of each begin and end at the same time.

[On the Sunday following the opening of the session, public prayers shall be addressed to God in the churches

<sup>1</sup> *i. e.*, the law of February 25, 1875, *supra*.



and temples, to invoke His aid in the labors of the Chambers.]<sup>1</sup>

ART. 2. The President of the Republic pronounces the closure of the session. He may convene the Chambers in extra session. He must convene them if, during the recess, an absolute majority of the members of each Chamber request it.

The President may adjourn the Chambers. The adjournment, however, must not exceed one month, nor take place more than twice in the same session.

ART. 3. One month at least before the legal expiration of the powers of the President of the Republic, the Chambers must be called together in National Assembly and proceed to the election of a new President.

In default of a summons, this meeting shall take place, as of right, the fifteenth day before the expiration of those powers.

In case of the death or resignation of the President of the Republic, the two Chambers shall reassemble immediately, as of right.

In case the Chamber of Deputies, in consequence of Article 5 of the law of February 25, 1875, is dissolved at the time when the presidency of the Republic becomes vacant, the electoral colleges shall be convened at once, and the Senate shall reassemble as of right.

ART. 4. Every meeting of either of the two Chambers which shall be held at a time other than the common session of both is illegal and void, except the case provided for in the preceding article, and that when the Senate meets as a court of justice ; and in this last case, judicial duties alone shall be performed.

ART. 5. The sittings of the Senate and of the Chamber of Deputies are public.

<sup>1</sup> Repealed by law of August 14, 1884, *infra*.

Nevertheless each Chamber may meet in secret session, upon the request of a fixed number of its members, determined by the rules.

It decides by absolute majority whether the sitting shall be resumed in public upon the same subject.

ART. 6. The President of the Republic communicates with the Chambers by messages, which are read from the tribune by a Minister.

The Ministers have entrance to both Chambers, and must be heard when they request it. They may be represented, for the discussion of a specific bill, by commissioners designated by decree of the President of the Republic.

ART. 7. The President of the Republic promulgates the laws within the month following the transmission to the Government of the law finally passed. He must promulgate, within three days, laws whose promulgation shall have been declared urgent by an express vote in each Chamber.

Within the time fixed for promulgation the President of the Republic may, by a message with reasons assigned, request of the two Chambers a new discussion, which cannot be refused.

ART. 8. The President of the Republic negotiates and ratifies treaties. He communicates them to the Chambers as soon as the interests and safety of the State permit.

Treaties of peace, and of commerce, treaties which involve the finances of the State, those relating to the persons and property of French citizens in foreign countries, shall become definitive only after having been voted by the two Chambers.

No cession, no exchange, no annexation of territory shall take place except by virtue of a law.

ART. 9. The President of the Republic cannot declare war except by the previous assent of the two Chambers.

ART. 10. Each Chamber is the judge of the eligibility of its members, and of the legality of their election ; it alone can receive their resignation.

ART. 11. The bureau<sup>1</sup> of each Chamber is elected each year for the entire session, and for every extra session which may be held before the ordinary session of the following year.

When the two Chambers meet together as a National Assembly, their bureau consists of the President, Vice-Presidents and Secretaries of the Senate.

ART. 12. The President of the Republic may be impeached by the Chamber of Deputies only, and tried by the Senate only.

The Ministers may be impeached by the Chamber of Deputies for offences committed in the performance of their duties. In this case they are tried by the Senate.

The Senate may be constituted a Court of Justice, by a decree of the President of the Republic, issued in the Council of Ministers, to try all persons accused of attempts upon the safety of the State.

If procedure is begun by the ordinary courts, the decree convening the Senate may be issued any time before the granting of a discharge.

A law shall determine the method of procedure for the accusation, trial and judgment.<sup>2</sup>

ART. 13. No member of either Chamber shall be prosecuted or held responsible on account of any opinions expressed or votes cast by him in the performance of his duties.

<sup>1</sup> The bureau of the Senate consists of a president, four vice-presidents, six secretaries and three questors ; the bureau of the Chamber of Deputies is the same, except that there are eight secretaries instead of six.

<sup>2</sup> Fixed by a law of April 10, 1889.

ART. 14. No member of either Chamber shall, during the session, be prosecuted or arrested for any offence or misdemeanor, except on the authority of the Chamber of which he is a member, unless he be caught in the very act.

The detention or prosecution of a member of either Chamber is suspended for the session, and for its [the Chamber's] entire term, if it demands it.

LAW REVISING ARTICLE 9 OF THE CONSTITUTIONAL  
LAW OF FEBRUARY 25, 1875.

June 21, 1879.

Article 9 of the constitutional law of February 25, 1875, is repealed.

LAW PARTIALLY REVISING THE CONSTITUTIONAL LAWS.

August 14, 1884.

ARTICLE 1. Paragraph 2 of Article 5 of the constitutional law of February 25, 1875, on the Organization of the Public Powers, is amended as follows :

“In that case the electoral colleges meet for new elections within two months, and the Chamber within the ten days following the close of the elections.”

ART. 2. To Paragraph 3 of Article 8 of the same law of February 25, 1875, is added the following :

“The Republican form of the Government cannot be made the subject of a proposed revision.

“Members of families that have reigned in France are ineligible to the presidency of the Republic.”

ART. 3. Articles 1 to 7 of the constitutional law of February 24, 1875, on the Organization of the Senate, shall no longer have a constitutional character.<sup>1</sup>

ART. 4. Paragraph 3 of Article 1 of the constitutional law of July 16, 1875, on the Relation of the Public Powers, is repealed.

<sup>1</sup> And may therefore be amended by ordinary legislation. See the law of December 9, 1884, *infra*.

## ORGANIC LAWS OF FRANCE.

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### LAW ON THE ELECTION OF SENATORS.

August 2, 1875.

ARTICLE 1. A decree of the President of the Republic, issued at least six weeks in advance, determines the day for the elections to the Senate, and at the same time that for the choice of delegates of the municipal councils. There must be an interval of at least one month between the choice of delegates and the election of senators.

ART. 2. Each municipal council elects one delegate. The election is without debate, by secret ballot, and by an absolute majority of votes. After two ballots a plurality is sufficient, and in case of an equality of votes, the oldest is declared elected. If the Mayor is not a member of the municipal council, he presides, but shall not vote.<sup>1</sup>

On the same day and in the same way an alternate is elected, who takes the place of the delegate in case of refusal or inability to serve.<sup>2</sup>

The choice of the municipal councils shall not extend to a deputy, a general councilor, or an arrondissement councilor.<sup>2</sup>

All communal electors, including the municipal councilors, are eligible without distinction.

ART. 3. In the communes where a municipal committee exists, the delegate and alternate shall be chosen by the old council.<sup>1</sup>

ART. 4. If the delegate was not present at the election, the Mayor shall see to it that he is notified within twenty-four hours. He must transmit to the Prefect, within

<sup>1</sup> Amended by Art. 8, law of December 9, 1884, *infra*.

<sup>2</sup> See Art. 4, law of February 24, 1875, *supra*.



five days, notice of his acceptance. In case of refusal or silence, he is replaced by the alternate, who is then placed upon the list as the delegate of the commune.<sup>1</sup>

ART. 5. The official report of the election of the delegate and alternate is transmitted at once to the Prefect ; it states the acceptance or refusal of the delegates and alternates, as well as the protests raised, by one or more members of the municipal council, against the legality of the election. A copy of this official report is posted on the door of the town hall.<sup>1</sup>

ART. 6. A statement of the results of the election of delegates and alternates is drawn up within a week by the Prefect ; this is given to all requesting it, and may be copied and published.

Every elector may, at the bureaux of the prefecture, obtain information and a copy of the list, by communes, of the municipal councilors of the department, and, at the bureaux of the sub-prefectures a copy of the list, by communes, of the municipal councilors of the arrondissement.

ART. 7. Every communal elector may, within three days, address directly to the Prefect a protest against the legality of the election.

If the Prefect deems the proceedings illegal, he may request that they be set aside.

ART. 8. Protests concerning the election of the delegate or alternate are decided, subject to an appeal to the Council of State, by the council of the prefecture, and, in the colonies, by the privy council.

A delegate whose election is annulled because he does not satisfy the conditions demanded by law, or on account of informality, is replaced by the alternate.

In case the election of the delegate and alternate is

<sup>1</sup> See Art. 8, law of December 9, 1884, *infra*.



rendered void, as by the refusal or death of both after their acceptance, new elections are held by the municipal council on a day fixed by an order of the Prefect.<sup>1</sup>

ART. 9. Eight days, at the latest, before the election of senators, the Prefect, and, in the colonies, the Director of the Interior, arranges the list of the electors of the department in alphabetical order. The list is communicated to all demanding it, and may be copied and published. No elector has more than one vote.

ART. 10. The deputies, the members of the general council, or of the arrondissement councils, who have been announced by the returning committees, but whose powers have not been verified, are enrolled upon the list of electors and are allowed to vote.

ART. 11. In each of the three departments of Algeria the electoral college is composed:

(1) of the deputies ;

(2) of the members of the general councils, of French citizenship ;

(3) of delegates elected by the French members of each municipal council from among the communal electors of French citizenship.

ART. 12. The electoral college is presided over by the President of the civil tribunal of the capital of the department or colony. The President is assisted by the two oldest and two youngest electors present at the opening of the meeting. The bureau thus constituted chooses a secretary from among the electors.

If the President is prevented [from presiding] his place is taken by the Vice-President [of the civil tribunal], and, in his absence, by the oldest justice.

ART. 13. The bureau divides the electors in alphabetical order into sections of at least one hundred voters each. It appoints the President and Inspectors of each

<sup>1</sup> See Art. 8, law of December 9, 1884, *infra*.

of these sections. It decides all questions and contests which may arise in the course of the election, without, however, power to depart from the decisions rendered by virtue of Article 8 of the present law.

ART. 14. The first ballot begins at eight o'clock in the morning and closes at noon. The second begins at two o'clock and closes at four o'clock. The third, if it takes place, begins at six o'clock and closes at eight o'clock. The results of the ballotings are determined by the bureau and announced the same day by the President of the electoral college.<sup>1</sup>

ART. 15. No one is elected senator on either of the first two ballots unless he receives : (1) an absolute majority of the votes cast ; and (2) a number of votes equal to one-fourth of the total number of electors registered. On the third ballot a plurality is sufficient, and, in case of an equality of votes, the oldest is elected.

ART. 16. Political meetings for the nomination of senators may take place conformably to the rules laid down by the law of June 6, 1868,<sup>2</sup> subject to the following conditions :

I. These meetings may be held from the date of the election of delegates up to the day of the election [of senators] inclusive ;

II. They must be preceded by a declaration made, at latest, the evening before, by seven senatorial electors of the arrondissement, and indicating the place, the day and the hour the meeting is to take place, and the names, occupation and residence of the candidates to be presented ;

III. The municipal authorities will see to it that no one is admitted to the meeting unless he is a deputy, general councilor, arrondissement councilor, delegate, or candidate.

<sup>1</sup> See Art. 8, law of December 9, 1884, *infra*.

<sup>2</sup> This law has been superseded by a law of June 30, 1881.

The delegate will present, as a means of identification, a certificate from the Mayor of his commune, the candidate a certificate from the official who shall have received the declaration mentioned in the preceding paragraph.<sup>1</sup>

ART. 17. Delegates who take part in all the ballotings shall, if they demand it, receive from the State, upon the presentation of their letter of summons, countersigned by the President of the electoral college, a remuneration for traveling expenses, which shall be paid to them upon the same basis and in the same manner as that given to jurors by Articles 35, 90 and following, of the decree of June 18, 1811.

A public administrative regulation shall determine the method of fixing the amount and the method of payment of this remuneration.<sup>2</sup>

ART. 18. Every delegate who, without lawful reason, shall not take part in all the ballotings, or, having been hindered, shall not have given notice to the alternate in sufficient season, shall, upon the demand of the public prosecutor, be punished by a fine of fifty francs by the civil tribunal of the capital.<sup>3</sup>

The same penalty may be imposed upon the alternate who, after having been notified by letter, telegram, or notice personally delivered in due season, shall not have taken part in the election.

ART. 19. Every attempt at corruption by the employment of means enumerated in Articles 177 and following, of the Penal Code, to influence the vote of an elector, or to keep him from voting, shall be punished by imprisonment of from three months to two years, and a fine of from fifty to five hundred francs, or by one of these two penalties alone.

<sup>1</sup> See Article 8, law of December 9, 1884, *infra*.

<sup>2</sup> Done by decree of December 26, 1875.

<sup>3</sup> Of the department.

Article 463 of the Penal Code shall apply to the penalties imposed by the present article.<sup>1</sup>

ART. 20. It is incompatible for a senator to be :

I. Councilor of State, Maître des Requêtes, Prefect or Sub-Prefect, except Prefect of the Seine and Prefect of Police ;

II. Member of the courts of appeal (*appel*),<sup>2</sup> or of the tribunals of first instance, except public prosecutor at the court of Paris ;

III. General Paymaster, Special Receiver, official or employé of the central administration of the ministries.

ART. 21. The following shall not be elected by the department or the colony included wholly or partially in their jurisdiction, during the exercise of their duties and during the six months following the cessation of their duties by resignation, dismissal, change of residence, or other cause :

I. The First Presidents, Presidents, and members of the courts of appeal (*appel*) ;

II. The Presidents, Vice-Presidents, Examining Magistrates, and members of the tribunals of first instance ;

III. The Prefect of Police ; Prefects and Sub-Prefects, and Prefectorial General Secretaries ; the Governors, Directors of the Interior, and General Secretaries of the Colonies ;

IV. The Chief Arrondissement Engineers and Chief Arrondissement Road-Surveyors ;

V. The School Rectors and Inspectors ;

VI. The Primary School Inspectors ;

VII. The Archbishops, Bishops, and Vicars General ;

VIII. The officers of all grades of the land and naval force ;

<sup>1</sup> See Article 8, law of December 9, 1884, *infra*.

<sup>2</sup> France is divided into twenty-six judicial districts, in each of which there is a cour d' appel. There are similar courts in Algeria and the colonies. The Cour de Cassation is the supreme court of appeal for all France, Algeria and the colonies.

IX. The Division Commissaries and the Military Deputy Commissaries ;

X. The General Paymasters and Special Receivers of Money ;

XI. The Supervisors of Direct and Indirect Taxes, of Registration of Lands and of Posts ;

XII. The Guardians and Inspectors of Forests.

ART. 22. A senator elected in several departments, must let his choice be known to the President of the senate within ten days following the verification of the elections. If a choice is not made in this time, the question is settled by lot in open session.

The vacancy shall be filled within one month and by the same electoral body.

The same holds true in case of an invalidated election.

ART. 23. If by death or resignation the number of senators of a department is reduced by one-half, the vacancies shall be filled within the space of three months, unless the vacancies occur within the twelve months preceding the triennial elections.

At the time fixed for the triennial elections, all vacancies shall be filled which have occurred, whatever their number and date.<sup>1</sup>

[ART. 24. The election of senators chosen by the National Assembly takes place in public sitting, by *scrutin de liste*, and by an absolute majority of votes, whatever the number of ballotings.

ART. 25. When it is necessary to elect successors of senators chosen by virtue of Article 7 of the law of February 24, 1875, the Senate proceeds in the manner indicated in the preceding article].<sup>2</sup>

<sup>1</sup> See Article 8, law of December 9, 1884, *infra*.

<sup>2</sup> Articles 24 and 25 repealed by law of December 9, 1884, *infra*.



ART. 26. Members of the Senate receive the same salary as members of the Chamber of Deputies.<sup>1</sup>

ART. 27. There are applicable to elections to the Senate all the provisions of the electoral law relating :

I. to cases of unworthiness and incapacity ;

II. to offences, prosecutions, and penalties ;

III. to election proceedings, in all respects not contrary to the provisions of the present law.

#### TEMPORARY PROVISIONS.

ART. 28. For the first election of members of the Senate, the law which shall determine the date of the dissolution of the National Assembly shall fix, without regard to the intervals established by Article 1, the date on which the municipal councils shall meet for the election of delegates and the day for the election of Senators.

Before the meeting of the municipal councils, the National Assembly shall proceed to the election of those Senators whom it is to choose.

ART. 29. The provisions of Article 21, by which an interval of six months must elapse between the cessation of duties and election, shall not apply to officials, except Prefects and Sub-Prefects, whose duties shall have ceased either before the promulgation of the present law or within twenty days following.

#### LAW ON THE ELECTION OF DEPUTIES.<sup>2</sup>

November 30, 1875.

ARTICLE I. The deputies shall be chosen by the voters registered :

<sup>1</sup> See Article 17, law of November 30, 1875, *infra*.

<sup>2</sup> See, *infra*, the laws of June 16, 1885, and February 13, 1889, amending the electoral law.



I. upon the lists drawn up in accordance with the law of July 7, 1874 ;

II. upon the supplementary list including those who have lived in the commune six months.

Registration upon the supplementary list shall take place conformably to the laws and regulations now governing the political electoral lists, by the committees and according to the forms established by Articles 1, 2 and 3 of the law of July 7, 1874.

Appeals relating to the formation and revision of either list shall be carried directly before the Civil Chamber of the Court of Appeal (*Cassation*).

The electoral lists drawn up March 31, 1875, shall serve until March 31, 1876.

ART. 2. The soldiers of all ranks and grades, of both the land and naval forces, shall not vote when they are with their regiment, at their post or on duty. Those who, on election day, are in private residence, in non-activity or in possession of a regular leave of absence, may vote in the commune on the lists of which they are duly registered. This last provision applies equally to officers on the unattached list or on the reserve list.

ART. 3. During the electoral period, circulars and platforms (*professions de foi*) signed by the candidates, placards and manifestoes signed by one or more voters, may, after being deposited with the public prosecutor, be posted and distributed without previous authorization.

The distribution of ballots is not subjected to this deposit.<sup>1</sup>

Every public or municipal official is forbidden to distribute ballots, platforms and circulars of candidates.

The provisions of Article 19 of the organic law of

<sup>1</sup> See, however, a law of December 20, 1878, by which deposit is made necessary.

August 2, 1875, on the elections of Senators, shall apply to the elections of deputies.

ART. 4. Balloting shall continue one day only. The voting occurs at the chief place of the commune; each commune may nevertheless be divided, by order of the Prefect, into as many sections as may be demanded by local circumstances and the number of voters. The second ballot shall take place the second Sunday following the announcement of the first ballot, according to the provisions of Article 65, of the law of March 15, 1849.

ART. 5. The method of voting shall be according to the provisions of the organic and regulating decrees of February 2, 1852.

The ballot is secret.

The voting lists used at the elections in each section, signed by the President and Secretary, shall remain deposited for eight days at the Secretary's office at the town hall, where they shall be communicated to every voter requesting them.

ART. 6. Every voter is eligible, without any tax qualification, at the age of twenty-five years.

ART. 7. No soldier or sailor forming part of the active forces of land or sea may, whatever his rank or position, be elected a member of the Chamber of Deputies.

This provision applies to soldiers and sailors on the unattached list or in non-activity, but does not extend to officers of the second section of the list of the general staff, nor to those who, kept in the first section for having been commander-in-chief in the field, have ceased to be employed actively, nor to officers who, having privileges acquired on the retired list, are sent to or maintained at their homes while awaiting the settlement of their pension.

The decision by which the officer shall have been permitted to establish his rights on the retired list shall become, in this case, irrevocable.

The rule laid down in the first paragraph of the present Article shall not apply to the reserve of the active army nor to the territorial army.

ART. 8. The exercise of public duties paid out of the treasury of the State is incompatible with the office of deputy.

Consequently every official elected deputy shall be superseded in his duties if, within the eight days following the verification of powers, he has not signified that he does not accept the office of deputy.

There are excepted from the preceding provisions the duties of Minister, Under Secretary of State, Ambassador, Minister Plenipotentiary, Prefect of the Seine, Prefect of Police, First President of the Court of Appeal (*cassation*), First President of the Court of Accounts, First President of the Court of Appeal (*appel*) of Paris, Attorney General at the Court of Appeal (*cassation*), Attorney General at the Court of Accounts, Attorney General at the Court of Appeal (*appel*) of Paris, Archbishop and Bishop, Consistorial Presiding Pastor in consistorial districts whose capital has two or more pastors, Chief Rabbi of the Central consistory, Chief Rabbi of the Consistory of Paris.

ART. 9. There are also excepted from the provisions of Article 8 :

I. titular professors of chairs which are filled by competition or upon the nomination of the bodies where the vacancy occurs ;

II. persons who have been charged with a temporary mission. All missions continuing more than six months cease to be temporary and are governed by Article 8 above.

ART. 10. The official preserves the rights which he has acquired to a retiring pension, and may, after the expiration of his term of office, be restored to active service.

The civil official who, having had twenty years of service at the date of the acceptance of the office of deputy, and shall be fifty years of age at the time of the expiration of this term of office, may establish his rights to an exceptional retiring pension.

This pension shall be regulated according to the third Paragraph of Article 12 of the law of June 9, 1853.

If the official is restored to active service after the expiration of his term of office, the provisions of Article 3, Paragraph 2, and Article 28 of the law of June 9, 1853, shall apply to him.

In duties where the rank is distinct from the employment, the official, by the acceptance of the office of deputy, loses the employment and preserves the rank only.

ART. 11. Every deputy appointed or promoted to a salaried public position ceases to belong to the Chamber by the very fact of his acceptance ; but he may be re-elected, if the office which he occupies is compatible with the office of deputy.

Deputies who become Ministers or Under-Secretaries of State are not subjected to a re-election.

ART. 12. There shall not be elected by the arrondissement or the colony included wholly or partially in their jurisdiction, during the exercise of their duties or for six months following the expiration of their duties due to resignation, dismissal, change of residence, or any other cause:

I. The First-Presidents, Presidents, and members of the Courts of Appeal (*appel*) ;

II. The Presidents, Vice-Presidents, Titular Judges, Examining Magistrates, and members of the tribunals of first instance ;

III. The Prefect of Police ; the Prefects and General Secretaries of the Prefectures ; the Governors, Directors of the Interior, and General Secretaries of the Colonies ;

IV. The Chief Arrondissement Engineers and Chief Arrondissement Road-Surveyors ;

V. The School Rectors and Inspectors ;

VI. The Primary School Inspectors ;

VII. The Archbishops, Bishops, and Vicars General ;

VIII. The General Paymasters and Special Receivers of Money ;

IX. The Supervisors of Direct and Indirect Taxes, of Registration of Lands, and of Posts ;

X. The Guardians and Inspectors of Forests.

The Sub-Prefects shall not be elected in any of the arrondissements of the department where they perform their duties.

ART. 13. Every imperative mandate is null and void.

ART. 14. Members of the Chamber of Deputies are elected by single districts. Each administrative arrondissement shall elect one deputy. Arrondissements having more than 100,000 inhabitants shall elect one deputy in addition for every additional 100,000 inhabitants or fraction of 100,000. Arrondissements of this kind shall be divided into districts whose boundaries shall be established by law and may be changed only by law.

ART. 15. Deputies shall be chosen for four years.

The Chamber is renewable integrally.

ART. 16. In case of vacancy by death, resignation, or otherwise, a new election shall be held within three months of the date when the vacancy occurred.



In case of option,<sup>1</sup> the vacancy shall be filled within one month.

ART. 17. The deputies shall receive a salary.

This salary is regulated by Articles 96 and 97 of the law of March 15, 1849, and by the provisions of the law of February 16, 1872.

ART. 18. No one is elected on the first ballot unless he receives :

(1) an absolute majority of the votes cast ;

(2) a number of votes equal to one-fourth of the number of voters registered.

On the second ballot a plurality is sufficient. In case of an equality of votes, the oldest is declared elected.

ART. 19. Each department of Algeria elects one deputy.

ART. 20. The voters living in Algeria in a place not yet made a commune, shall be registered on the electoral list of the nearest commune.

When it is necessary to establish electoral districts, either for the purpose of grouping mixed communes in each of which the number of voters shall be insufficient, or to bring together voters living in places not formed into communes, the decrees for fixing the seat of these districts shall be issued by the Governor-General, upon the report of the Prefect or of the General commanding the division.

ART. 21. The four colonies to which senators have been assigned by the law of February 24, 1875, on the organization of the Senate, shall choose one deputy each.

ART. 22. Every violation of the prohibitive provisions of Article 3, Paragraph 3, of the present law shall be punished by a fine of from sixteen francs to three

<sup>1</sup> *i. e.*, when a deputy had been elected from two or more districts.



hundred francs. Nevertheless the criminal courts may apply Article 463 of the Penal Code.

The provisions of Article 6 of the law of July 7, 1874, shall apply to the political electoral lists.

The decree of January 29, 1871, and the laws of April 10, 1871, May 2, 1871, and February 18, 1873, are repealed.

Paragraph 11 of Article 15 of the organic decree of February 2, 1852, is also repealed, in so far as it refers to the law of May 21, 1836, on lotteries, reserving, however, to the courts the right to apply to convicted persons Article 42 of the Penal Code.

The provisions of the laws and decrees now in force, with which the present law does not conflict, shall continue to be applied.

ART. 23. The provision of Article 12 of the present law by which an interval of six months must elapse between the expiration of duties and election, shall not apply to officials, except Prefects and Sub-Prefects, whose duties shall have ceased either before the promulgation of the present law or within the twenty days following it.

#### LAW RELATING TO THE SEAT OF THE EXECUTIVE POWER AND OF THE CHAMBERS AT PARIS.

July 22, 1879.

ARTICLE 1. The seat of the Executive Power and of the two Chambers is at Paris.

ART. 2. The Palace of the Luxemburg and the Palais-Bourbon are assigned, the first to the use of the Senate, the second to that of the Chamber of Deputies.

Nevertheless each of the Chambers is authorized to choose, in the city of Paris, the palace which it wishes to occupy.

ART. 3. The various parts of the palace of Versailles now occupied by the Senate and Chamber of Deputies preserve their arrangements.

Whenever, according to Articles 7 and 8 of the law of February 25, 1875, on the organization of the public powers, a meeting of the National Assembly takes place, it shall sit at Versailles, in the present hall of the Chamber of Deputies.

Whenever, according to Article 9 of the law of February 24, 1875, on the organization of the Senate, and Article 12 of the constitutional law of July 16, 1875, on the relations of the public powers, the Senate shall be called upon to constitute itself a Court of Justice, it shall indicate the town and place where it proposes to sit.

ART. 4. The Senate and Chamber of Deputies will sit at Paris on and after November 3 next.

ART. 5. The Presidents of the Senate and Chamber of Deputies are charged with the duty of securing the external and internal safety of the Chambers over which they preside.

To this end they have the right to call upon the armed force and every authority whose assistance they judge necessary.

The demands may be addressed directly to all officers, commanders, or officials, who are bound to obey immediately, under the penalties established by the laws.

The Presidents of the Senate and Chamber of Deputies may delegate to the questors or to one of them their right of demanding aid.

ART. 6. Petitions to either of the Chambers can be made and presented in writing only. It is forbidden to present them in person or at the bar.

ART. 7. Every violation of the preceding article, every provocation, by speeches uttered publicly, or by

writings, or printed matter, posted or distributed, to a crowd upon the public ways, having for an object the discussion, drawing up, or carrying to the Chambers or either of them, of petitions, declarations, or addresses—whether or not any results follow such action—shall be punished by the penalties enumerated in Paragraph 1 of Article 5 of the law of June 7, 1848.

ART. 8. The preceding provisions do not diminish the force of the law of June 7, 1848, on riotous assemblies.

ART. 9. Article 463 of the Penal Code applies to the offences mentioned in the present law.

#### LAW AMENDING THE ORGANIC LAWS ON THE ORGANIZATION OF THE SENATE AND THE ELECTIONS OF SENATORS.

December 9, 1884.

ARTICLE 1. The Senate consists of three hundred members, elected by the departments and the colonies.

The present members, without any distinction between senators elected by the National Assembly or the Senate and those elected by the departments and colonies, maintain their term of office during the time for which they have been chosen.

ART. 2. The department of the Seine elects ten senators.

The department of the Nord elects eight senators.

The following departments elect five senators each : Côtes-du-Nord, Finistère, Gironde, Ille-et-Vilaine, Loire, Loire-Inférieure, Pas-de-Calais, Rhône, Saône-et-Loire, Seine-Inférieure.

The following departments elect four senators each : Aisne, Bouches-du-Rhône, Charente-Inférieure, Dordogne, Haute-Garonne, Isère, Maine-et-Loire, Manche, Morbihan, Puy-de-Dôme, Seine-et-Oise, Somme.

The following departments elect three senators each : Ain, Allier, Ardèche, Ardennes, Aube, Aude, Aveyron, Calvados, Charente, Cher, Corrèze, Corse, Côte-d'Or, Creuse, Doubs, Drôme, Eure, Eure-et-Loir, Gard, Gers, Hérault, Indre, Indre-et-Loire, Jura, Landes, Loir-et-Cher, Haute-Loire, Loiret, Lot, Lot-et-Garonne, Marne, Haute-Marne, Mayenne, Meurthe-et-Moselle, Meuse, Nièvre, Oise, Orne, Basses-Pyrénées, Haute-Saône, Sarthe, Savoie, Haute-Savoie, Seine-et-Marne, Deux-Sèvres, Tarn, Var, Vendée, Vienne, Haute-Vienne, Vosges, Yonne.

The following departments elect two senators each : Basses-Alpes, Hautes-Alpes, Alpes-Maritimes, Ariège, Cantal, Lozère, Hautes-Pyrénées, Pyrénées-Orientales, Tarn-et-Garonne, Vancluse.

The following elect one senator each : the Territory of Belfort, the three departments of Algeria, the four colonies : Martinique, Guadeloupe, Réunion and French Indies.

ART. 3. In the departments where the number of senators is increased by the present law, the increase shall take effect as vacancies occur among the life senators.

To this end, within eight days after the vacancy occurs, it shall be determined by lot what department shall be called upon to elect a senator.

This election shall take place within three months of the determination by lot. Furthermore, if the vacancy occurs within six months preceding the triennial election, the vacancy shall be filled at that election.

The term of office in this case shall expire at the same time as that of the other senators belonging to the same department.

ART. 4. No one shall be a senator unless he is a

French citizen, forty years of age, at least, and enjoying civil and political rights.

Members of families that have reigned in France are ineligible to the Senate.

ART. 5. The soldiers of the land and naval forces cannot be elected senators.

There are excepted from this provision :

I. The Marshals and Admirals of France ;

II. The general officers maintained without limit of age in the first section of the list of the general staff and not provided with a command ;

III. The general officers placed in the second section of the list of the general staff ;

IV. Soldiers of the land and naval forces who belong either to the reserve of the active army or to the territorial army.

ART. 6. Senators are elected by *scrutin de liste*, by a college meeting at the capital of the department or colony, and composed :

(1) of the Deputies ;

(2) of the General Councilors ;

(3) of the Arrondissement Councilors ;

(4) of delegates elected from among the voters of the commune, by each Municipal Council.

Councils composed of ten members shall elect one delegate.

Councils composed of twelve members shall elect two delegates.

Councils composed of sixteen members shall elect three delegates.

Councils composed of twenty-one members shall elect six delegates.

Councils composed of twenty-three members shall elect nine delegates.



Councils composed of twenty-seven members shall elect twelve delegates.

Councils composed of thirty members shall elect fifteen delegates.

Councils composed of thirty-two members shall elect eighteen delegates.

Councils composed of thirty-four members shall elect twenty-one delegates.

Councils composed of thirty-six members or more shall elect twenty-four delegates.

The Municipal Council of Paris shall elect thirty delegates.

In the French Indies the members of the local councils take the place of Arrondissement Councilors. The Municipal Council of Pondichéry shall elect five delegates. The Municipal Council of Karikal shall elect three delegates. All the other communes shall elect two delegates each.

The balloting takes place at the capital of each district.

ART. 7. Members of the Senate are elected for nine years.

The Senate is renewed every three years according to the order of the present series of departments and colonies.

ART. 8. Articles 2 (paragraphs 1 and 2), 3, 4, 5, 8, 14, 16, 19 and 23 of the organic law of August 2, 1875, on the Elections of Senators are amended as follows :

“ Art. 2 (paragraphs 1 and 2). In each Municipal Council the election of delegates takes place without debate and by secret ballot, by *scrutin de liste* and by an absolute majority of votes cast. After two ballots a plurality is sufficient, and in case of an equality of votes the oldest is elected.



“The procedure and method is the same for the election of alternates.

“Councils having one, two, or three delegates to choose shall elect one alternate.

“Those choosing six or nine delegates elect two alternates.

“Those choosing twelve or fifteen delegates elect three alternates.

“Those choosing eighteen or twenty-one delegates elect four alternates.

“Those choosing twenty-four delegates elect five alternates.

“The Municipal Council of Paris elects eight alternates.

“The alternates take the place of delegates in case of refusal or inability to serve, in the order determined by the number of votes received by each of them.

“Art. 3. In communes where the duties of a Municipal Council are performed by a special delegation organized by virtue of Article 44 of the law of April 5, 1884, the senatorial delegates and alternates shall be chosen by the old council.

“Art. 4. If the delegates were not present at the election, notice is given them by the Mayor within twenty-four hours. They must within five days notify the Prefect of their acceptance. In case of declination or silence they shall be replaced by the alternates, who are then placed upon the list as the delegates of the commune.

“Art. 5. The official report of the election of delegates and alternates is transmitted at once to the Prefect. It indicates the acceptance or declination of the delegates and alternates, as well as the protests made by one or more members of the Municipal Council against the

legality of the election. A copy of this official report is posted on the door of the town hall.

“Art. 8. Protests concerning the election of delegates or alternates are decided, subject to an appeal to the Council of State, by the Council of the Prefecture, and, in the colonies, by the Privy Council.

“Delegates whose election is set aside because they do not satisfy the conditions demanded by law, or because of informality, are replaced by the alternates.

“In case the election of a delegate and of an alternate is rendered void, as by the refusal or death of both after their acceptance, new elections are held by the Municipal Council on a day fixed by decree of the Prefect.

“Art. 14. The first ballot begins at eight o'clock in the morning and closes at noon. The second begins at two o'clock and closes at four o'clock. The third begins at seven o'clock and closes at ten o'clock. The results of the ballotings are determined by the bureau and announced immediately by the President of the electoral college.

“Art. 16. Political meetings for the nomination of senators may be held from the date of the promulgation of the decree summoning the electors up to the day of the election inclusive.

“The declaration prescribed by Article 2 of the law of June 30, 1881, shall be made by two voters, at least.

“The forms and regulations of this Article, as well as those of Article 3, shall be observed.

“The members of Parliament elected or electors in the department, the senatorial electors, delegates and alternates, and the candidates, or their representatives, may alone be present at these meetings.

“The municipal authorities will see to it that no other person is admitted.

“Delegates and alternates shall present as a means of identification a certificate from the Mayor of the commune ; candidates or their representatives a certificate from the official who shall have received the declaration mentioned in Paragraph 2.

“Art. 19. Every attempt at corruption or constraint by the employment of means enumerated in Articles 177 and following of the Penal Code, to influence the vote of an elector or to keep him from voting, shall be punished by imprisonment of from three months to two years, and by a fine of from fifty francs to five hundred francs, or by one of these penalties alone.

“Article 463 of the Penal Code is applicable to the penalties provided for by the present article.

“Art. 23. Vacancies caused by the death or resignation of senators shall be filled within three months ; moreover, if the vacancy occurs within the six months preceding the triennial elections, it shall be filled at those elections.”

ART. 9. There are repealed :

(1) Articles 1 to 7 of the law of February 24, 1875, on the organization of the Senate ;

(2) Articles 24 and 25 of the law of August 2, 1875, on the elections of senators.

#### TEMPORARY PROVISION.

In case a special law on parliamentary incompatibilities shall not have been passed at the date of the next senatorial elections, Article 8, of the law of November 30, 1875, shall apply to those elections.

Every official affected by this provision, who has had twenty years of service and is fifty years of age at the date of his acceptance of the office [of senator], may establish his right to a proportional retiring pension,  
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which shall be governed by the third paragraph of Article 12, of the law of June 9, 1853.

LAW AMENDING THE ELECTORAL LAW.

June 16, 1885.

[ARTICLE 1.<sup>1</sup> The members of the Chamber of Deputies are elected by *scrutin de liste*.

ART. 2. Each department elects the number of deputies assigned to it in the table<sup>2</sup> annexed to the present law, on the basis of one deputy for seventy thousand inhabitants, foreign residents not included. Account shall be taken, nevertheless, of every fraction smaller than seventy thousand.<sup>3</sup>

Each department elects at least three deputies.

Two deputies are assigned to the territory of Belfort, six to Algeria, and ten to the colonies, as is indicated by the table. This table can be changed by a law only.

ART. 3. The department forms a single electoral district.]

ART. 4. Members of families that have reigned in France are ineligible to the Chamber of Deputies.

ART. 5. No one is elected on the first ballot unless he receives :

(1) an absolute majority of the votes cast ;

(2) a number of votes equal to one-fourth of the total number of voters registered.

On the second ballot a plurality is sufficient.

In case of an equality of votes, the oldest of the candidates is declared elected.

ART. 6. Subject to the case of a dissolution foreseen and regulated by the Constitution, the general elections

<sup>1</sup> Articles 1, 2 and 3 repealed by the law of February 13, 1889, *infra*.

<sup>2</sup> This table may be found in the *Bulletin des Lois*, twelfth series, No. 15,518; and in the *Journal Officiel* for June 17, 1885, p. 3074.

<sup>3</sup> *i. e.*, fractions of less than 70,000 are entitled to a deputy.

take place within the sixty days preceding the expiration of the powers of the Chamber of Deputies.

ART. 7. Vacancies shall not be filled which occur in the six months preceding the renewal of the Chamber.

#### LAW ON PARLIAMENTARY INCOMPATIBILITIES.

December 26, 1887.

Until the passage of a special law on parliamentary incompatibilities, Articles 8 and 9 of the law of November 30, 1875, shall apply to senatorial elections.

Every official affected by this provision who has had twenty years of service and is fifty years of age at the time of his acceptance of the office [of senator], may establish his rights to a proportional retiring pension, which shall be governed by the third paragraph of Article 12 of the law of June 9, 1853.

#### LAW RE-ESTABLISHING SINGLE DISTRICTS FOR THE ELECTION OF DEPUTIES.

February 13, 1889.

ARTICLE 1. Articles 1, 2 and 3 of the law of June 16, 1885, are repealed.

ART. 2. Members of the Chamber of Deputies are elected by single districts. Each administrative arrondissement in the departments, and each municipal arrondissement at Paris and at Lyons, elects one deputy. Arrondissements whose population exceeds one hundred thousand inhabitants elect an additional deputy for every one hundred thousand or fraction of one hundred thousand inhabitants. The arrondissements are in this case divided into districts, a table<sup>1</sup> of which is annexed to the present law and can be changed by a law only.

<sup>1</sup> This table may be found in the *Journal Officiel* for February 14, 1889, pp. 76 and following; and in the *Bulletin des Lois*, twelfth series, No. 20,475.



ART. 3. One deputy is assigned to the territory of Belfort, six to Algeria, and ten to the colonies, as is indicated by the table.

ART. 4. On and after the promulgation of the present law, until the renewal of the Chamber of Deputies, vacancies occurring in the Chamber of Deputies shall not be filled.

#### LAW ON MULTIPLE CANDIDATURES.

July 17, 1889.

ARTICLE 1. No one may be a candidate in more than one district.

ART. 2. Every citizen who offers himself or is offered at the general or partial elections must, by a declaration signed or countersigned by himself, and duly legalized, make known in what district he means to be a candidate. This declaration is deposited, and a provisional receipt obtained therefor, at the Prefecture of the department concerned, the fifth day, at latest, before the day of election. A definitive receipt shall be delivered within twenty-four hours.

ART. 3. Every declaration made in violation of Article 1 of the present law is void and not to be received.

If declarations are deposited by the same citizen in more than one district, the earliest in date is alone valid. If they bear the same date, all are void.

ART. 4. It is forbidden to sign or post placards, to carry or distribute ballots, circulars, or platforms in the interest of a candidate who has not conformed to the requirements of the present law.

ART. 5. Ballots bearing the name of a citizen whose candidacy is put forward in violation of the present law shall not be included in the return of votes. Posters, placards, platforms, and ballots posted or distributed to



support a candidacy in a district where such candidacy is contrary to the law, shall be removed or seized.

ART. 6. A fine of ten thousand francs shall be imposed on the candidate violating the provisions of the present law, and one of five thousand francs on all persons acting in violation of Article 4 of the present law.















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